

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NICHOLAS ZIMMERMAN,

Plaintiff,

9:03-CV-1389
(TJM)(GJD)

v.

GEORGE SEYFERT, Inspector General of DOCS; DARREN
DAUGHTRY, Westchester County Police Department;
JOSEPH T. SMITH, Supt., Shawangunk Correctional Facility;
DONALD SELSKY, Dir. of Special Housing; GLENN S. GOORD,
Commissioner of Corrections; JOHN DOE 1; JOHN DOE 2;
THOMAS G. EAGEN, Central Office Review Committee, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

NICHOLAS ZIMMERMAN
Plaintiff, *pro se*
0000-181-574
Westchester County Jail
P.O. Box 10
Valhalla, New York 10595

OFFICE OF THE ATTORNEY GENERAL
State of New York
Counsel for the Defendants
The Capitol
Albany, New York 12224

DAVID FRUCHTER, ESQ.
Assistant Attorney General

GUSTAVE J. DI BIANCO, MAGISTRATE JUDGE

ORDER

By Order of this Court dated January 28, 2005, Plaintiff's request that proceedings in this matter be stayed pending his return to state prison was granted. Dkt. No. 48. According to plaintiff, he had been temporarily transferred to the Westchester County Jail in order to stand trial in state court. *Id.* The stay was expressly conditioned upon the requirement that plaintiff advise the Court periodically in writing as to the status of the state court trial and his current location.

Id. Status reports were submitted on February 12, 2005 and March 11, 2005. Dkt. Nos. 49, 50. Plaintiff has not submitted the status report which was due April 15, 2005, nor has he otherwise communicated with the Court regarding this matter.

In light of plaintiff's failure to comply with the Court's Order that he file periodic status reports, the stay of this matter is hereby lifted. Plaintiff shall provide the Clerk of the Court with the copies of his amended complaint necessary for service of process on the unserved defendants no later than **June 3, 2005**.¹ Plaintiff is advised that his failure to comply with this Order may result in the dismissal of those defendants.


WHEREFORE, it is hereby

ORDERED, that the stay of proceedings in this action (Dkt. No. 48) is **LIFTED**, and it is further

ORDERED, that Plaintiff provide the Clerk of the Court with the copies of his amended complaint necessary for service of process on the unserved defendants no later than **June 3, 2005**. Plaintiff is advised that his failure to comply with this Order may result in the dismissal of those defendants, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

Dated: May 4, 2005



Hon. Gustave J. DiBianco
U.S. Magistrate Judge

¹ According to the docket, sixteen individual defendants named in plaintiff's third amended complaint (Dkt. No. 36) have not been served with process. There are also two John Doe defendants who have not yet been identified.

